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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,235	04/12/2000	Thomas Mark Levergood	1984.1001-004	6069

24573 7590 05/23/2002

BELL, BOYD & LLOYD, LLC
PO BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,235

Applicant(s)

LEVERGOOD ET AL.

Examiner

Patrice L Winder

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Oath/Declaration

1. This application presents a claim for subject matter not originally claimed or embraced in the statement of the invention. The "method for charging for advertising on the web" and "the method for measuring the effectiveness of advertising" not claimed in the parent application. A supplemental oath or declaration is required under 37 CFR 1.67. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

2. The examiner has not received the oath/declaration referenced in paper #9 filed on February 12, 2002.

Specification

3. The disclosure is objected to because of the following informalities: The brief Summary of the invention is objected to for fail to commensurate with the claimed invention. (See 37 CFR 1,73)

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has not provided a detailed disclosure of "charging for advertising based on link traversals to the page". The examiner is aware of page 14, line 24 - page 15, line 6 of the disclosure. If there is further detail to applicant's disclosure please indicate the corresponding areas of the disclosure.

6. Claims 4-5 and 9-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has not provided a detailed disclosure of "measuring the number of sales or transactions resulting from link traversals". The examiner is aware of page 14, line 24 - page 15, line 6 of the disclosure. If there is further detail to applicant's disclosure please indicate the corresponding areas of the disclosure.

7. It is generally understood that the state of the art at the time of the invention as understood by the inventor can be determined by the degree of detail in the disclosure and that which is left for one of ordinary skill in the art to perform is presumed to be within the skill in the art to perform. As applicant has supplied no detail enabled of this alleged nonobvious process by which to “charge for advertising based on link traversals to the page” and “measure the number of sales or transactions resulting from link traversals”. Therefore, it is presumed to be within the skill of the art (*In re Fox* 176 USPQ 340).

8. In applicant's reply filed on February 12, 2002, paper #9, applicant has asserted that the lack of detail associated with the claimed invention results from applicant not being required to “teach” the invention and omits what is well known in the art. The examiner is unable to understand on one hand applicant has claimed a “novel” invention incorporating the elements in question. But on the other hand maintained that description of the mechanisms by which applicant connects “counting/measuring sales” and “tracking link traversals” is so well known that disclosure is not warranted.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catledge et al., Characterizing Browsing Strategies in the World-Wide Web (hereafter referred to as Catledge) in view of Dedrick, USPN 5,724,521 (hereafter referred to as Dedrick).

Regarding claim 6, Catledge taught a method for characterizing browsing on the web (abstract), comprising:

tracking access history, including a link sequence through which a document is accessed(log files of World-Wide Web accesses, page 4);

determining, based on the access history, link traversals from a first document to a second document (sequences of accesses or paths);

determining a number of such determined link traversals leading from the first document to the second document (frequency determination by site analysis module, page 5). Catledge does not specifically teach charging for advertising based on the number of link traversals to the second document. However, Dedrick taught charging for advertising based on the number of link traversals to the second document (col. 5, lines 26-29, col. 18, line 49 - col. 19, line 4).

Regarding dependent claim 7, Catledge taught a link traversal is determined responsive to two entries in the access history, a first entry corresponding to a request from a given user for the first document and a second entry corresponding to a request from the given user for the second document (log file of World-Wide Web accesses, page 4).

Regarding dependent claim 8, Dedrick taught the first document is an advertising page and the second document is a product page (col. 18, line 49 - col. 19, line 4).

Regarding dependent claim 9, Catledge taught counting the frequency resulting from a traversed path which includes the specified page (site analysis module, page 5). Catledge does not specifically teach the frequency is number of sales, the specified page is the advertising page and charging for advertising is based on the frequency. However, Dedrick taught the number of sales (sales = consumptions that include a buy

option, col. 9, lines 2-5), the specified page is the advertising page (col. 18, lines 34-38) and charging for advertising is based on the number of sales (fees charged for consumptions, col. 11, lines 18-20).

The language of claims 10-11 is substantially the same as dependent claim 9. Therefore, claims 10-11 are rejected on the same rationale as claim 9.

Regarding dependent claim 12, Catledge taught filtering transaction logs from at least one server for a particular user to produce the access history (site analysis module, page 5).

The language of claims 1-5 is substantially the same as claims 6-12, above. Therefore, claims 1-5 are rejected on the same rationale as claims 6-12.

As to claims 1-12, it would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Dedrick's charging for advertising in Catledge's system for characterizing browsing would have improved system efficiency. The motivation would have been to use the information determined from characterizing user browsing sessions and simply the calculations necessary to charge advertisers.

Response to Arguments

13. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

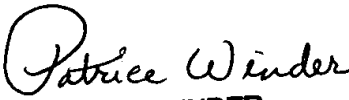
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Blumer et al., USPN 5,732,219: taught a purchasing goods from an on-line service that incorporates a store catalog enabling users to purchase goods.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number(s) for this Group are after final (703) 746-7238; official (703) 746-7239 and non-official/draft (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


PATRICE WINDER
PRIMARY EXAMINER